

**Printed copies of entire 68 page proposed Zoning Bylaw document are available  
at Tolland Town Hall and at the Tolland Public Library**

**Objectives for this Summary Document:** This summary of changes is intended to highlight major changes between the current and proposed Tolland Zoning Bylaws. It is not a legal document or representation, but rather intends to make it easier to determine what's new and different and what stays the same. It is a good faith effort on the part of the Zoning Bylaw Review Committee to represent these changes. If there are errors or omissions they are unintentional. *Reading this document will not substitute for reading the proposed zoning bylaw document.* Citizens are urged to do such and bring questions and issues forward at the September 12, 2005 public hearing.

**Zoning Maps:** There is no change to the zoning maps or districts.

**Objectives for Bylaw Revision:** The Zoning Bylaw Review Committee has worked for over two years under the direction of the Town of Tolland Planning Board to accomplish the following objectives: Citizens are urged to attend the Public Hearing on Monday, September 12<sup>th</sup> to provide comment and input.

- Update the current Tolland Zoning Bylaw which was adopted in 1978 to conform to Massachusetts General Law and reflect current needs of residents and land owners and residents while protecting property values and assuring public safety
- Improve the document formatting and readability
- Incorporate the Personal Wireless Services Facility (cell tower) bylaw within the document adopted in 2001. This makes that Section VII (currently Section XII). All other sections are then renumbered to reflect this proper position of this section.

**Changes in the document are described below.** Only major changes, additions and deletions are highlighted. Editorial or language changes that do not alter meaning are not considered changes.

**Table of Contents Added** for understanding the document structure and locating the pages

**Page Numbering Scheme:** Pages are numbered within major sections of the bylaw (example, Section V, pages 1 through 5; Section IX, pages 108, etc.) This will ease maintenance of the document when changes are made in the future

**Formatting:** Formatting changes were made to improve readability. Changes include use of tables, bullets to enumerate points and consistent use of **Bold text**. These changes are enabled by technology not available in 1978. Headers are also included for improved location of topics.

**Terminology:** the term *Site Plan Approval* changed to *Site Plan Review* to conform to recommendations by Mass. Attorney General.

**Section I: Purpose:** One additional purpose was added: "*Conserve the natural resources, protect scenic views, maintain the beauty of the Town, and protect the environment.*"

**Section II: Presenting existing Uses Permitted:**

- **New Section B: Applicability of Amendments and Revisions:** Add section to incorporate Mass. Gen. Law about when new provisions of this proposed zoning bylaw are effective.
- **New Section C: Conformance of Construction or Operations Under a Building or Special Permit: Construction** Added section to incorporate Mass. General Law.

**Section III: Zoning Districts:** No changes recommended in districts locations or names.

**Section IV: Definitions:** The table has been revised to incorporate new terms, improve clarity of existing terms and eliminate redundant or unnecessary terms. Definitions are now compliant with terminology approved by the Massachusetts Attorney General in bylaws of other towns.

**Section V: Table of Land Use**

- Changes in Section V: Table of Land Use to assure consistency across zoning districts and make requirements for Special Permits, Site Plan Review and Prohibitions clear. Terminology was changed from Yes/No or SPA, etc. in the old Table to clear, consistent terms including
  - Special Permit with Site Plan Review
  - Site Plan Review
  - Permitted by Right with Site Plan Review
  - Prohibited
- New Provision on **Corner Lots and Lots Facing Two or More Streets**

**Note:** the first column in the table documents specific changes including terminology changes and changes in requirements. *Column 1 will not appear in the final document. It is intended for explanatory purposes only.* Crossed out terminology will also be deleted from the Table in the document to be voted the Special Town Meeting (to be scheduled after the public hearing)

**This table is the primary representation of what is or is not permitted in the Bylaw and should be carefully reviewed to prepare for discussion at the Public Hearing**

**Section VI: Table of Dimensional Requirements:** No changes in setbacks, frontage requirements.

**Section VII: General Regulations. Section numbers changed to reflect additions**

- **Old Sections A and B on Non-conforming Uses and General Provisions for New Buildings:**
  - Incorporation of Mass. General Law, Massachusetts Building Code requirements and simpler, improved wording.
- **Section C – Earth Removal.**
  - Clarified requirements.
  - Establish duration of Special Permits and renewal requirements
  - Further define earth restoration requirements upon cessation of actions
  - Detailed application process and requirements
- **Section D – Mobile Homes and Recreation Vehicles:** Clarified requirements.
- **Section E – Commercial Recreation**
  - Requirements clarified.
  - Elaboration of types of facilities covered by this provision
  - Incorporation of Municipal Exception to clearly define conditions and events that are not included in Commercial Recreation (e.g. Black Fly Day)
  - Refined application process and Special Permit requirements
- **Section F – Signs**
  - Defines signs Permitted by Right vs. signs requiring Special Permit
  - Increased prohibitions on commercial signs to incorporate new types of signs used by businesses determined to be inconsistent with Tolland's rural character
  - Clarifies sign location requirements
  - Establishes sign removal requirements
- **Section G – View Obstruction and Corner Clearance** No major change.
- **Section H - Parking.** Made less restrictive. Bylaw no longer requires a defined number of parking spaces for a building. Requirements will be established during the Special Permit granting process.
- **Section I – Storage** Clarify vehicle storage requirements for businesses.
- **Section J – Driveways.** New section added to define driveway specifications, application process and requirements for *new construction* to
  - protect town roads
  - accommodate public safety access by fire and other vehicles.
  - Define administration requirements with responsibility by Tolland Department of Public Works
- **Section K: Home Occupations:**
  - Expand definition
  - Clarify types of businesses considered to be occupations applicable to this provision. Increased number of examples of this By Right provision.
  - Define conditions

- **Section L: Accessory Apartments**
  - Recommends allowing Accessory Apartments by Special Permit (renewable) in dwellings or accessory structures in owner occupied dwellings and in Town Center businesses.
  - Defines conditions, Special Permit requirements, deed registration requirements and certification of owner occupancy requirements.
- **Section M: Accessory Buildings and Structures:** New section to clarify requirements, including setback requirements and Site Plan Review requirements
- **Section N: Fences;** New section defining Fence requirements and limitations as defined in the Massachusetts Building Code.

**Section VIII – Personal Wireless Services Facility.** No changes at all. . This section number changed to Section VIII from its position as Section XII in current bylaw. It was appended to the current bylaw when adopted.

#### **Section IX – Special Provisions**

- Section clarifying Effective Date added to conform to Mass. Gen. Law.
- Application, site plan and approval process responsibilities defined and clarified and conformed to Mass. General Law.
- Renewal periods on some types of Special Permits defined (e.g. owner-occupied Accessory Apartments.
- Option for Planning Board Site Visits and use of Experts for advice made explicit.
- Requirements for certification of Special Permit by Town Clerk and registration with Hampden County Registry of Deeds added to conform to Mass. General Law.
- Requirements clarified for **Site Plan Review for Applications Not Requiring Special Permits**
- Requirement for verification of compliance with Site Plan before Building Permit issued made explicit.

#### **Appeals Process**

- Process and requirements clarified to conform to Mass. General Law.
- Meetings, schedules and procedures defined.

#### **Section X – Bylaw Administration**

- Responsibility for enforcement clarified and made explicit.
  - Penalties described and relationship to Tolland Bylaws on Criminal and Non-Criminal Disposition of Penalties. Municipal Charges Bylaw and Municipal Charges Lien Bylaw incorporated.
  - Incorporates Town of Tolland Bylaw on Failure to Pay Municipal Taxes or Charges as Grounds for Denial, Suspension, Revocation of License or Permit in accordance with Massachusetts General Law, Chapter 40, Section 57.